

REMARKS

I. Status of the claims and amendments

Claims 1-22 are pending in this application. Claim 14 has been amended to clarify that the substrate impregnated with thermally expandable microspheres is positioned under the carrying layer, and that the decorative layer impregnated with a thermosetting resin is positioned on top of the carrying layer. Support for this amendment can be found in the specification, for example in the third full paragraph on page 3, and in original claim 1. Accordingly, no new matter has been added by this amendment.

II. Rejections under 35 U.S.C. § 103

The Office rejected claims 1-22 under 35 U.S.C § 103 as being unpatentable over US Patent Application Publication No. 2002/0136862 naming Dong et al. as inventors ("*Dong*"), in view of US Patent Application Publication No. 2001/0007710 naming Liu et al. as inventors ("*Liu*").

The Office argues that *Dong* "discloses a decorative laminate for flooring, comprising an overlay 102, a decorative layer 101, an underlay 103, and a substrate 106 (see Fig. 1; 0051)." Office Action at 2. The Office acknowledges that *Dong* fails to teach expandable thermoplastic polymer microspheres. *Id.* The Office argues, however, that *Liu* teaches "expandable thermoplastic microspheres for use in a decor sheet (see abstract)." *Id.*

The Office concludes that "it would have been obvious to one of ordinary skill in the art to have employed Liu's expandable thermoplastic microspheres in the decorative

laminate of Dong, in order to increase abrasion resistance and decrease the wear of the press plates.” *Id.* Applicants respectfully traverse this rejection.

A. The combination of references relied upon by the Office fails to disclose all of the elements of the claims

Applicants point out that, even if *Dong* and *Liu* are combined in the manner proposed by the Office, the combination would fail to meet all of the elements of the instant claims. This is because the position of the layer comprising “expanded thermoplastic microspheres” in the multilayer produced by combining *Dong* with *Liu* would not be under a carrying layer, as recited in the independent claims.

Liu discloses a decor sheet “compris[ing] a resin-impregnated paper containing abrasion-resisting particles and a *protective overlayer comprising expanded thermoplastic microspheres*.” *Liu* at ¶ [0008] (italics added). Therefore, the combination of references proposed by the Office would result in a multilayer decorative sheet according to *Dong*, having an uppermost protective overlayer comprising the expanded thermoplastic microspheres of *Liu*. That is, in this case, the layer comprising the expanded thermoplastic microspheres would be positioned *on top* of the multilayer decorative sheet. *Liu* makes it clear that the overlayer comprising the expanded thermoplastic microspheres is “a layer or coating on *the top surface* of the decor sheet or overlay.” *Liu* at ¶ [0009] (italics added). This is because *Liu* uses expanded thermoplastic microspheres as abrasion resistant particles to produce abrasion-resistant decor sheets, which necessarily require that the layer with expanded thermoplastic microspheres be placed on top of all of the layers to be protected. *See, e.g., Liu* at ¶ [0006].

In contrast, the instant claims recite that the “layered material comprising thermally expandable microspheres [is positioned] *under* a carrying layer.” See, e.g., claim 1 (*italics added*). That is, in the instant invention, the layer comprising thermally expandable microspheres is not the uppermost layer. For at least this reason, the cited art does not render the claimed invention obvious and Applicants respectfully request that this rejection be withdrawn.

B. The combination of references teaches away from the instant invention

Because *Liu* requires that the layer comprising “expanded thermoplastic microspheres” be the layer “on the top surface of the decor sheet or overlay” (*Liu* at ¶ [0009]), *Liu* necessarily teaches away from a multilayer items where the “layered material comprising thermally expandable microspheres [is positioned] under a carrying layer.” For at least additional reason, the cited art does not render the claimed invention obvious and Applicants respectfully request that this rejection be withdrawn.

III. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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